

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA**

ELITE PHYSICIAN SERVICES, LLC,)	
)	
Plaintiff,)	No. 1:06-CV-86
)	
vs.)	
)	
)	Judge Mattice
)	Magistrate Judge Carter
CITICORP CREDIT SERVICES, INC. (USA))	
)	ORAL ARGUMENT REQUESTED
)	
Defendant.)	

**PLAINTIFF’S MOTION TO STAY DETERMINATION OF DEFENDANT’S
MOTION TO DISMISS OR TRANSFER**

On September 22, 2006, defendant Citicorp Credit Services, Inc. (USA) (“CCSI (USA)”) filed a motion to dismiss or transfer the instant action on the ground that a similar action is pending in the United States District Court for the Southern District of New York. See CCSI (USA)’s Motion to Dismiss or Transfer, Case File No. 5. However, as fully explained in the supporting memorandum submitted by plaintiff Elite Physician Services, LLC (“Elite”), Elite has moved to voluntarily dismiss its action in the Southern District of New York. Because the grant of Elite’s motion to voluntarily dismiss that action would render CCSI (USA)’s motion moot, the Court should defer its decision of CCSI (USA)’s motion until Elite’s motion to voluntarily dismiss the action in the Southern District of New York has been resolved.

For this reason and for the reasons set out more fully in Elite’s supporting memorandum of law, Elite respectfully moves the Court pursuant to Fed. R. Civ. Proc. 7 and its inherent authority to enter an order staying consideration of CCSI (USA)’s motion to dismiss or transfer

until Elite's motion to voluntarily dismiss its action in the Southern District of New York has been decided.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was filed electronically on October 27, 2006. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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